

**ORDINANCE NO. 283****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY  
PERTAINING TO URBAN STORMWATER RUNOFF AND ESTABLISHING THE  
REQUIREMENTS FOR THE DEVELOPMENT OF URBAN STORM WATER  
MITIGATION PLANS AND DISCHARGE CONTROL**

The City Council of the City of Bradbury does hereby ordain:

**SECTION 1 FINDINGS**

The City Council finds and declares:

- a) In order to reduce the quantity and maintain the quality of storm water and urban runoff volume from private and publicly owned properties which will be newly developed, substantially rehabilitated or redeveloped in the future, a program ensuring that the new developments shall incorporate design elements which facilitate control of such storm water and urban runoff is required.
- b) It is in the best interest of the City to establish guidelines and procedures for control of the quantity and quality of storm water and urban runoff from properties within the city including but not limited to subdivision of a parcel or parcels into ten (10) lots or more, and Hillside Residential properties.
- c) The Regional Water Quality Control Board – Los Angeles received the Co-Permittee submittal in July of 1999, and after hearings approved the Standard Urban Storm Water Mitigation Plans with modifications.
- d) On October 5, 2000, the State Water Resources Control Board issued its decision on the Cities Petition and determined that the Cities shall adopt ordinances implementing the SUSMP programs

**SECTION 2. PURPOSE AND INTENT**

The purpose of this Ordinance is to protect the health, safety, and general welfare of the citizens by:

- (a) Controlling the discharge of materials other than storm water to the municipal separate storm sewer system (MS4) and watercourses, except where such discharges are:
  - (1) In compliance with a separate or general NPDES permit; or
  - (2) Identified and excepted under the definition of "Illicit Discharge" herein.
  - (3) Originating from Federal, State, or other facilities that the Permittee is pre-empted from regulating.
- (b) Reducing pollutants in storm water discharges to the maximum extent practicable

The intent of this Ordinance is to protect and enhance the water quality of watercourses, water bodies, wetlands and receiving waters of the United States in a manner pursuant to and consistent with the Federal Clean Water Act.

SECTION 3. Section 7403 of the Bradbury Municipal Code is amended by adding the following definitions to those already present:

"Act" – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251

"Adverse Impact" – A detrimental effect on water quality or beneficial uses caused by a discharge of a pollutant or pollutants

"Basin Plan" – A Water Quality Plan for a specific watershed area or areas adopted by the Regional Water Quality Control Board.

"Beneficial Uses" – Existing or potential uses of receiving waters as defined in a Basin Plan.

"Board" – The City Council of the City of Bradbury.

"Code of Federal Regulations (CFR)" – The Codification of the general and permanent rules published in the Federal Register by the executive Departments and agencies of the federal government of the United States.

"County" – The Department of Public Works of the County of Los Angeles.

"Department" – The City of Bradbury.

"Discharge" – Any release, spill, leak, pumping, flow, escape, dumping, or disposal of any gas, liquid, semi-solid, or solid, or solid substance that is a pollutant or which, constitutes a non-storm water discharge which may adversely affect the beneficial uses of the receiving waters

"Hazardous Material" – Any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code or any substantial designated pursuant to 40 CFR 302. This also includes any unlisted hazardous substance that is a solid waste, as defined in 40 CFR 261.4(b), or is a hazardous substance under section 101 (14) of the Act, if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24

"Hazardous Waste" – A hazardous material that is to be discharged, discarded, recycled, and/or reprocessed.

"Illicit Discharge" – any discharge of any substance or material to the City's storm drain system that is not composed entirely of storm water runoff, except for the following:

(a) Any discharge regulated under a NPDES permit issued to the discharger and administered by the State of California under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or requirements,

(b) Discharges from the following activities, when properly managed, water line flushing, and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation waters, diverted stream flows, rising ground water, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, residential air conditioning condensation, springs, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and fire fighting activities.

(c) Other discharges permitted by law

"New Development" – any land disturbing activity, structural development, including the construction or installation of a building or structure, creation of impervious surfaces, and land division.

"Peak Storm Runoff Rate" – the storm water accumulated and discharged from a property during an average ten (10) minute period in a twenty five (25) year storm

"Redevelopment" – any improvement on an already developed site, the creation or addition of at least 5,000 square feet of impervious surfaces. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. Where redevelopment results in an increase of less than 50% of the impervious surfaces of a previous existing development, and the existing development is not subject to these USMWP's, the design standards apply only to the addition, and not to the entire development

"Receiving Waters" – All surface water bodies within the county that are identified by the regional board in a basin plan

"Standard Industrial Code (SIC)" – a numbering system developed by the U. S. Government, Office of Management and Budget, for the classification of establishments by the type of activity in which they are engaged

"State Board" – State Water Resources Control Board.

"Storm drain system" – includes, but is not limited to: those facilities within the City by which storm water may be conveyed to the waters of the United States, including flood control channels, any roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, man made channels or storm drains which are not part of a Publicly-Owned Treatment Works (POTW) as defined at 40 CFR Section 122.2.

"Structural BMP" – Any permanent facility constructed to control, treat, store, divert, neutralize, dispose of, and/or monitor runoff in order to reduce or measure pollution.

"Urban Storm Water Mitigation Plan (USWMP)" – a plan that evaluates the issues of a site development including run on, runoff, vehicle maintenance, land disturbances, erosion, sediment control, and revegetation and establishes BMP's to control or reduce the discharge of pollutants from the site, both during and after construction.

"Subdivision of ten (10) lots or more – a division of land occurring on one or more parcels which results in the creation of ten (10) or more contiguous parcels which could be developed."

"U.S. EPA" – United State Environmental Protection Agency

SECTION 4. The Bradbury Municipal Code is amended by adding thereto Sections 7411 through 7419, inclusive:

**7411 Urban Storm Water Mitigation Plan Required**

Projects submitted to the City of Bradbury for approval by the Planning Department or the Building and Safety Department for new construction or redevelopment of a property in the City of Bradbury in the following classifications shall prepare an USWMP prior to the issuance of Grading or Building Permits for the project

- A Subdivision into 10 or more Residential lots
- B Hillside Residential Property

**7412 Content of Urban Storm Water Mitigation Plan**

The USWMP required by this section shall be prepared by a Registered Civil Engineer, Licensed Architect, Landscape Architect or any other professional knowledgeable about Storm Water Management issues and shall evaluate and propose BMP's to address each source of pollutants identified by the project evaluation. As a minimum the designer shall address the BMP's listed in the Commercial Site Visit Program, for the proposed use of the site, as approved by the Regional Water Quality Control Board – Los Angeles by resolution 98-08 on April 13, 1998. All USWMP's shall contain the following elements:

- A. Peak storm water runoff rate. Peak runoff rate shall not exceed predevelopment levels.
- B. Provide Storm Drain System Stenciling and Signage All storm drain inlets from a project shall be clearly labeled to indicate that no dumping is permitted, drains to Ocean. Labels shall be maintained at least every three years.
- C. Conserve Natural Areas. The development of properties shall preserve natural areas or pervious areas to the maximum extent practical. The pervious areas shall be used for treatment of runoff, as a recharge area, or as passive or active open space.
- D. Proper Design of Trash Storage Areas. Trash enclosure areas shall not be designed in the path of drainage nor shall roof drainage downspouts discharge to the trash enclosure
- E. Vehicle/Equipment Wash Area. If the project includes vehicle/equipment wash areas the design shall include roof to prevent rainwater from entering the area along with berms to prevent site drainage from entering the wash area. The wash area shall be connected to the Sanitary Sewer.
- F. Proof of Ongoing Maintenance The plan shall incorporate record keeping standards to document maintenance of Structural BMP's to assure ongoing operation of the systems. Records shall be maintained for three (3) years The records shall be available for inspection upon request by the City Engineer or the designated agent.

#### 7413 Project Specific Issues to be Addressed by the USWMP

In addition to the six items listed in section 7412 BMC, the following projects must also consider issues unique to the occupancy:

##### A. Residential Subdivisions of 10 or More Lots and Hillside Residential Properties

1. Mitigate Storm Water Runoff. The project shall use, to the greatest extent practicable, pervious surfaces for drainage structures, walkways, parking areas and recreation facilities. The project shall also evaluate the feasibility of reducing impervious surfaces, to the greatest extent practical, by reducing street widths, reducing sidewalk areas, and limiting impervious site improvements.

#### 7414 Review of the Urban Storm Water Mitigation Plan by City

The City shall review the USWMP to assure that all elements of the plan have been addressed and that the applicant has identified the BMP's necessary to protect the MS4. The Director or his designee shall identify any deficiencies in the plan and return it to the applicant for modification. When the plan is found to comply with the provisions of this section the grading or building permits may be issued for the project. If, during construction, the plan is found to be deficient by the City or any other interested party the applicant shall amend the plan to address the deficiency.

#### 7415 Filing of the Urban Storm Water Mitigation Plan

Upon acceptance of the USWMP by the City the applicant shall file a signed original of the plan with the County Recorder. The document shall contain sufficient legal description to identify the property covered and shall be binding on the applicant and all successors in interest to the property. The form shall be provided by the City and shall only be amended or removed from title with the consent of the City.

#### 7416 Waiver

If after evaluating the issues related to a project the designer determines that all BMP's are impractical for their project a waiver may be granted. The waiver for impracticability shall only be granted when all other structural or treatment BMP's have been considered and rejected as infeasible. The following situations will be recognized as grounds for an impracticability waiver:

1. Extreme limitations of space for treatment on a redevelopment project
2. Unfavorable or unstable soils conditions at a site to attempt infiltration.
3. Risk of ground water contamination because a known unconfined aquifer lies beneath the site or an existing or potential underground source of drinking water is less than 10 feet from the soil surface.

The Regional Water Quality Control Board – Los Angeles must approve any justification not identified above, upon application by the City before the City may approve a waiver for impracticability. A waiver granted by the City may be revoked by the Regional Board's Executive Officer for Cause with proper notice upon petition. Any waivers granted for impracticability shall be filed as required by section 7415.

#### 7417 Public Education

Storm Water and Urban Runoff Pollution Educational Program. The City Engineer, along with other City Departments, shall conduct an informational program to educate the public about the dangers of runoff pollution and the means of controlling such pollution. The program shall educate residents and business persons that operate within the City about the contents of this Chapter. The Public Education Program may be conducted in conjunction with the countywide NPDES educational effort.

#### 7418 Inspection

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever any officer authorized by the City Administrator to enforce this Chapter has reasonable cause to believe that there exists in any building or upon any premises a condition which constitutes a violation of the provisions of this Chapter, the officer may, in a manner prescribed by law, enter such building or premises at all reasonable times to inspect the same or perform any duty necessary to enforce this Chapter

#### 7419 Disclaimer of Liability

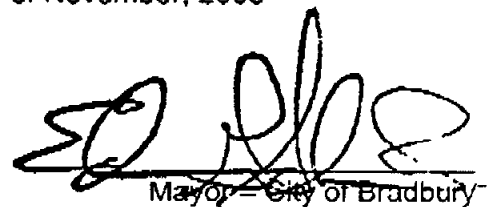
The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herewith are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Chapter shall not create liability on the part of the City, or any officer, employee, or agents thereof, and for damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder

#### SECTION 5 SEVERABILITY

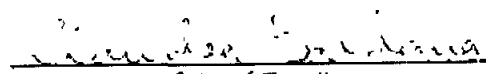
If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional

SECTION 6. The City Clerk shall certify the adoption of this Ordinance and cause the same to be published in the manner prescribed by law

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of November, 2003

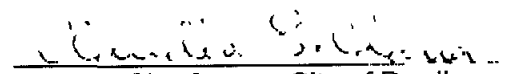
  
Mayor - City of Bradbury

ATTEST.

  
City Clerk – City of Bradbury

I, Claudia Saldana, City Clerk, hereby certify that foregoing ordinance, being Ordinance No. 283, was introduced at a regular meeting of the City Council of the City of Bradbury held on October 21, 2003, and duly passed, approved and adopted by said City Council, signed by the Mayor and attested by the City Clerk, at a regular meeting held on the 18<sup>th</sup> day of November, 2003, by the following roll call vote:

AYES: Mayor Schuck, Mayor Pro-Tem LaPisto-Kirtley,  
Councilmembers Barakat, Todd and Mandroian  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
City Clerk – City of Bradbury